

EQUALITY ACT 2010 AND OTHER EXISTING EQUALITY LEGISLATION

We at All Saints Catholic College will also comply with, and have due regard to, the following equalities legislation:

New Equality Act 2010

The Equality Bill passed through Parliament and became an Act on 8th April 2010. It took effect from Autumn 2010. The Equality Act has put a new single Equality duty on public bodies. The duty requires public bodies to think about the needs of everyone who uses their services or works for them, regardless of race or ethnicity, or any other protected characteristic such as disability or religion.

The Act protects people from discrimination on the basis of "protected characteristics" (which previously used to be called "grounds"). The relevant characteristics for services and public functions are:

- **Disability** (*definition changed*)

The protected characteristic of disability applies to a person who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

To qualify for protection from discrimination, a disabled person no longer has to show that their impairment affects a particular "capacity" such as mobility or speech, hearing or eyesight. Direct discrimination has been extended to cover disability.

- **Gender re-assignment** (*definition changed*)

The protected characteristic of gender re-assignment will apply to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. To qualify for protection from discrimination, a transsexual person no longer has to show that they are under medical supervision as it is considered a personal process rather than a medical process which involves a person expressing their gender in a way which differs from or is inconsistent with the physical sex they were born with.

- **Pregnancy and Maternity** (*no change*)

Pregnancy and maternity is not a protected characteristic for the purposes of the college's provisions but it is covered by other requirements which means that schools are prohibited from restricting access to education on the grounds of pregnancy and maternity status.

- **Race** (*no change*)

Race includes ethnic or national origins, colour or nationality. People can belong to one or more of these groups at the same time and the one which is relevant to a particular situation depends on the circumstances.

- **Religion or belief** *(no change)*

The protected characteristic of religion or belief includes any religion or belief and any religious or philosophical belief. It also includes any lack of such religion or belief. A religion need not be mainstream or well known to gain protection as a religion, although it must be identifiable and have a clear structure and belief system.

Faith schools and educational institutions with a religious ethos may in some limited circumstances favour pupils or students because of their religion.

- **Sex** *(no change)*

A person's sex refers to the fact that they are male or female. You must not treat a woman or a girl worse than you would treat a man or boy. You must not treat a man or boy worse than you would treat a woman or a girl in the same circumstances.

- **Sexual orientation** *(no change)*

Everyone is protected from being treated worse because of sexual orientation whether they are straight, gay, lesbian or bisexual. Sexual orientation discrimination also covers discrimination connected with expressions or manifestations of a person's sexual orientation. That may include someone's appearance, the places they visit or the people they associate with.

- **Age** *(no change)*

Under the college's provisions of the Act, age is excluded from the list of protected characteristics.

An integrated public sector Equality duty encourages public bodies to address the needs of groups experiencing disadvantage or discrimination on a number of grounds, including the new socio-economic duty. It also extends the use of positive action in the workplace. The Equality Act also introduces a dual discrimination provision which enables people to bring claims where they have experienced less favourable treatment because of a combination of two protected characteristics.

Guidance on all areas replaced by the Equality Act can be found at www.equalityhumanrights.com/advice-and-guidance. There are links to guidance for how the act impacts on employers, service providers, schools etc.

Human Rights Act 1998 and Article 14 of the European Convention on Human Rights – Article 14 refers to the prohibition of discrimination and states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any grounds such as “sex, race, colour, language, religion, political, or other opinion, national or social origin, associated with a national minority, property, birth or other status”.